



## STAFF REPORT

### TOWN COUNCIL MEETING OF JULY 11, 2017

To: Honorable Mayor and Members of the Town Council

From: Crickett Strock, Town Clerk

Subject: Revising Resolution placing a lien on the property at 5474 King Road, Loomis, CA.

Date: June 28, 2017

#### **RECOMMENDATION ACTION:**

Adopt revised resolution confirming and ordering recordation in the office of the Placer County Recorder of a lien on 5474 King Road, Loomis, California, for unpaid abatement costs and administrative fees to abate a public nuisance and authorize Town Manager to sign Notice of Lien.

#### **ISSUE STATEMENT AND DISCUSSION:**

At the May 9, 2017 Council meeting a resolution was adopted providing placement of a lien on the real property at 5474 King Road, Loomis, California. Following the council meeting Placer County Auditor Controllers office requested that the resolution be revised to include that the Town has the authority pursuant to California Government Code Section 38773.5. Attached is the resolution with the revision in red.

The property owner, as listed in the attached Cost Report, was mailed an invoice advising them that a lien would be placed upon their property if abatements costs, fines, and administrative fees were not paid in full by a specific date. Finally, a notice of time when said Cost Report would be heard by the Town Council for confirmation was served to the property owner, along with a copy of the Cost Report.

The Loomis Municipal Code Section 7.04.170 requires that the total cost for abating such nuisance, as so confirmed by the Town Council, shall constitute a special assessment against the respective parcel of land to which it relates, and upon recordation in the office of the County Recorder as so made and confirmed, shall constitute a lien on said property for the amount of such assessment until paid in full.

**FINANCIAL IMPLICATIONS:** None with the recommended action.

**ATTACHMENTS:** Cost Report, Resolution, Notice of Lien

# TOWN OF LOOMIS

## RESOLUTION 17 - \_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS  
AMENDING RESOLUTION 17-10, CONFIRMING THE PLACEMENT,  
AND ORDERING RECORDATION AND FILING WITH  
PLACER COUNTY, OF A LIEN ON THE REAL PROPERTY AT  
5474 KING ROAD, LOOMIS, CALIFORNIA, ASSESSOR'S PARCEL NO. 044-051-064,  
FOR UNPAID ABATEMENT COSTS AND ADMINISTRATIVE FEES  
TO ABATE A PUBLIC NUISANCE**

**WHEREAS**, the Town Council, has adopted standards for property maintenance in the Municipal Code; and

**WHEREAS**, the Municipal Code standards are intended to maintain public health and safety and quality of life for Loomis residents; and

**WHEREAS**, violations of the Municipal Code are enforced through notices, citations, and fees issued and assessed by the Town's Code Enforcement; and

**WHEREAS**, liens are used as a legal mechanism to recover fees owed to the Town after code enforcement action has been necessary; and

**WHEREAS**, the Town has the authority to make the cost of abatement of a nuisance upon a parcel of land a special assessment, or a lien against that parcel pursuant to California Government Code Section 38773.5 ; and

**WHEREAS**, the Loomis Municipal Code Section 7.04.170 authorizes the Town of Loomis to record with the Placer County Recorder's Office a lien against the property at 5474 King Road, Loomis, California, for delinquent on payment of abatement costs and fees; and

**WHEREAS**, an account of the costs of abating such nuisance at 5474 King Road, Loomis, California, where the work was done by the Town has been established to ensure cost recovery for the Town (Cost Report, Exhibit A).

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Loomis as follows:

1. The Town Council overrules any objections and confirms the Cost Report as submitted.
2. The total cost for abating such nuisance is \$5,192.73, as so confirmed by the Town Council, and shall constitute a special assessment against the parcel at 5474 King Road, Loomis, California (APN. 044-051-064).
3. Upon recordation in the office of the Placer County Recorder or a Notice of Lien, as so made and confirmed, shall constitute a lien on said property for the amount of \$100.00 assessment until paid in full.

**PASSED AND ADOPTED** by the Town Council of the Town of Loomis on July 11, 2017 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAINED:**  
**ABSENT:**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

## **NOTICE OF LIEN**

### **CLAIM OF TOWN OF LOOMIS**

Pursuant to the authority vested by the provisions of Article Two of Ordinance No. 59 (Section 7.04.120 of the Loomis Municipal Code), the Town Manager of the Town of Loomis did on or about the 28<sup>th</sup> day of October, 2015, cause the property hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said property; and the Town Council of the Town of Loomis did on the 9<sup>th</sup> day of May, 2017, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described; and the same has not been paid; and that said Town of Loomis does hereby claim a lien on such rehabilitation, repair, or demolition in the amount of said assessment, to wit: the sum of \$100.00; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the Town of Loomis, County of Placer, State of California, and particularly described as follows:

5474 King Road, Loomis, California 95650  
APN. 044-051-064

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Sean Rabe, Town Manager  
Town of Loomis

**EXHIBIT A****COST REPORT****RECOVERY OF ADMINISTRATIVE CITATION FINES, ADMINISTRATIVE FEES AND ABATEMENT COSTS**

<b>DATE</b>	<b>PROPERTY OWNER</b>	<b>ADDRESS</b>	<b>FINE</b>	<b>COSTS</b>
6/8/14	Joyce Mowry	5474 King Road APN. 044-051-064	Certified letter	\$ 6.49
8/26/14	Joyce Mowry		Certified letter	\$ 6.49
9/25/14	Joyce Mowry		Certified letter	\$ 6.49
1/8/15	Joyce Mowry		Certified letter	\$ 6.49
			Administrative Citation	\$ 100.00
3/18/15	Joyce Mowry		Admin Hearing/Certified letter	\$ 6.49
3/31/15	Joyce Mowry		Hearing Decision/Certified letter	\$ 6.49
6/2/15	Joyce Mowry		Certified letter	\$ 6.49
10/9/15	Joyce Mowry		Attorney Fees for warrant	\$4,841.81
10/28/15	Joyce Mowry		Junk Removal & Hauling	\$ 399.00
12/8/15	Joyce Mowry		Certified letter to pay for abatement	\$ 6.49
			Total	\$5,392.73
3/17/16	Tony Mowry		Paid toward abatement cost	\$ 200.00-
			Total Costs:	\$5,192.73